CONFERENCE ON DISARMAMENT

CD/1389
12 April 1996

ENGLISH
Original: ENGLISH/SPANISH

NOTE VERBALE DATED 10 APRIL 1996 FROM THE PERMANENT MISSION OF MEXICO ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT FORWARDING A COPY OF MEXICO'S DECLARATION AT THE INTERNATIONAL COURT OF JUSTICE ON 3 NOVEMBER 1995

The Permanent Mission of Mexico to the international organizations presents its compliments to the secretariat of the Conference on Disarmament and has the honour to send it Mexico's declaration at the International Court of Justice on 3 November 1995 concerning the issue of the legality of the threat or use of nuclear weapons, and requests that it should be distributed as an official document of the Conference on Disarmament.

GE.96-60997 (E)

Mexico's declaration before the International Court of Justice regarding the advisory opinion on the legality of the threat or use of nuclear weapons

(The Hague, 3 November 1995)

Mr. President and members of the International Court of Justice:

Before starting my intervention, I wish to express my profound sadness for the untimely passing away of Judge Andrés Aguilar, a distinguished Venezuelan, a remarkable international lawyer and diplomat with whom I had the honour to work together in the efforts of developing the international legal order.

Allow me now, in the name of the Mexican Government, to assure this Court of the fundamental importance we give to its work as part of the common effort to ensure the full force of the rule of law in international relations.

The significance that Mexico has ascribed to the International Court of Justice ever since the foundation of the United Nations Organization exactly 50 years ago was expressed in the comments made on the Dumbarton Oaks proposal. In the remarks paper, Mexico - which was not invited to Dumbarton Oaks - adopted the position by the distinguished jurists of the informal Allies Committee on the future of the Permanent Court of International Justice. On the basis of previous experience provided by the League of Nations, Mexico felt that in the case of the International Court of Justice it would not be wise to repeat the organic link that connected the Permanent Court of International Justice to the League of Nations. This organic relationship, it was felt, could prejudice the independence of the Court's judges. Therefore, Mexico proposed an international court of justice with the capacity to preserve the highest possible degree of independence in exercising its functions. We felt in 1944 that independence of action would be reflected in this supreme legal authority in growing freedom in the face of any repercussions, direct or indirect, that might affect a predominantly political body like the United Nations Organization would be, which at the time was about to come into existence.

For several reasons, the San Francisco Conference voted for the opposite proposition and made the Court to which you belong a main organ of the United Nations. I would like to emphasize what Shabtai Rosenne says about this in his book entitled "The Law and Practice of the International Court". 1/ "The San Francisco decision makes the Court an integral part of the United Nations". As Judge Acevedo said when dealing with the peace treaties case in the Court to establish this tribunal's obligation to issue the advisory opinions requested by the General Assembly, "The Court, which has been promoted to the status of main organ and an integral part of the United Nations mechanism, must do its utmost to cooperate with other organs so as to fulfil the objectives and principles established in the Charter". Despite our original stance, Mexico understands the significance of the change, and of course accepts the Court as an organ of the United Nations.

Also, Mr. President and members of the International Court of Justice, I would like you to remember that during the fiftieth General Assembly of the

United Nations the Government of Mexico, through the Minister of Foreign Affairs, voiced our decision to examine whether we should retain our reservation against the compulsory jurisdiction of the Court, and this is already being done by the authorities of my country. In examining our reservation we are of course taking into account the principle of reciprocity confirmed by the jurisprudence of this high court.

Relevance of international law

Mr. President,

The search for peace with justice is, in our opinion, the greatest challenge of our times. The role that the rule of law plays or can play in this task is one of the most interesting issues confronted by society.

Firstly, to put peace on a solid foundation, the force of law is necessary, although law in itself does not guarantee peace: to disregard its principles can make any action to achieve this aim arbitrary and subjective. In the words of the libertador Simon Bolívar, international law must be "That body of laws that in peace and in war is the shield of our destiny".

Mexico has emphasized the importance of ensuring the rule of law in international activities since it submitted comments on the Dumbarton Oaks Plan. In one of its first statements, Mexico defined as one of its objectives in joining this international organization "The need for the coexistence of nations to develop harmoniously under the rule of law".

In his book "The world beyond the Charter" 2/ Sir Wilfred Jenks, a British jurist with a long career in the International Labour Organization, describes what he called the basic paradoxes that the world faces. Among these he notes the following in relation to international law: "Never before have so many areas of human activity been subject to regulations. We have achieved fundamental principles of behaviour that are already accepted by the international community, and we have codified in treaties and by the resolutions of international organizations - which acquire more force every day as source of obligations - rules applicable to those activities that have deserved priority attention from the community. However, the truth is that there is still little confidence in law as the way to solve our most basic problems. International law is not a popular subject in public opinion mechanisms, and when it is mentioned, it is almost always to criticize its lack of effectiveness. There is a growing scepticism about the pertinence of using legal measures to control the dynamic changes of today's society. The most tragic implication of this paradox is the ever present danger that law, by not responding properly to the challenge of our society, due to lack of imagination to understand the problems to be solved, among other reasons, will cease to have any influence on human activity".

Allow me a few moments of your time to share some thoughts on this situation. They will no doubt have clear relevance to the subject at hand and for the function that the Court must perform on the basis of the Charter and its statute.

Charles de Visscher pointed out in his book "Theory and Reality in Public International Law" 3/ that the historical development of the organized international community has suffered two fundamental changes in quality, and these are reflected in the gradual transformation of international legal order.

The first of these was the breakdown of medieval society, which gave way to an uncontrollable drive to create a new order. The first sign of this was the establishment of nations in western Europe. This stage, legally endorsed by the Treaties of Westphalia in 1648, marked the beginning of the modern international legal system.

At the beginning of this period, international law was the exclusive property of a small circle of Christian nations, a European club where the major Powers, which exerted collective hegemony over Europe, claimed to have the authority as a group to intervene in questions they considered to be of general interest, as Professor Mossler reminded us in his course at the Academy of The Hague in 1974 on "International Society as a Legal Unit". In time, classical international law came to embrace Africa, Asia and Latin America, not as active participants, creators of a collective effort, but as objects of colonial exploitation. The international legal order was moulded to the structure of colonial power and its premises were defined as a result of relations among the colonial Powers as long as these continued to dominate the so-called "New World".

Perhaps the person who had assessed this issue most eloquently is yourself, Mr. President, in your 1979 book entitled "Toward a New International Economic Order", 4/ published in Spanish in Salamanca. Here you remarked that "the legal order created by ancient international society had the appearance of neutrality or indifference, but the laisser faire laisser passer that it endorsed in fact led to interference with law and encouraged injustice. Therefore, classic international law, though apparently indifferent, was actually permissible. It recognized and confirmed the right of supposedly civilized nations to dominate. It was a colonial and imperial law, which was institutionalized in the Berlin Congress on the Congo in 1885. At that time, this classical international law was presented as a system of rules which were based on geography (it was European), inspired by race and religion (it was Christian), motivated by economy (it was trade-oriented), with certain political objectives (it was imperialist). As Judge Bedjaoui continues, it was necessary to wait until the United Nations Charter for an open community to replace a closed one, and for the term 'civilized nations' to give way to the expression 'peace-loving nations', as stated in the first paragraph of Article 4 of the Charter".

The second historical change in the evolution of the international community discussed by de Visscher was the emergence of a considerable number of independent States as a result of the fall of the colonial system. Between 1945 and 1976 more than 2,000 million people living in the former colonial world were liberated from colonialism thanks to the United Nations, and thus brought into the mainstream of world developments.

There is no doubt that decolonization had a decisive influence in redefining the contents and scope of contemporary international law.

Consequently, the disappearance of colonialism changed the position of many States. From being objects of international law they became full subjects, and active participants in the readjustment of the legal order on the basis of the new features of the international community.

But even so, international life continued to be governed by classic international law that had been based on the practices of a small number of colonial Powers in the eighteenth and nineteenth centuries. In many cases this meant continued inequality and exploitation.

The emergence of a large number of new States as a result of this process poses a question of principle: how far these new States, which did not contribute towards creating international law, already in force when they came into being and whose provisions often do not reflect their interests, are bound by its rulings. This is a vexed question that has been studied by many authors in recent times. Clearly, from a legal and practical point of view the issue is very simple: when a State joins the international community, by this very act it accepts the existing rules and institutions. However, the problem is much more complex and difficult: if numerous regulations of international law are not accepted and actively supported by a large sector of the international community, it will be difficult to ensure the rule of law in contemporary society.

This situation is particularly evident in the case of the long chapter of international law known as "State responsibility", which contains several basic issues relevant to the practices of States.

The tendency described is certainly not to be found in the entire field of international law, but many important international regulations do reflect this inequality. Therefore, it is not surprising that new nations that were not joint authors so to speak, but passive objects of this international law, sometimes give the impression that they rebel against the application of it. The rebellion is direct, as in the case of peoples who aspire to full international personality and have had to resort to violence to throw a long-established colonial yoke. Colonialism was endorsed by the Charter of the United Nations, but this stemmed from political conditions that no longer exist today. On other occasions this rebellion can take indirect forms, which will be described below.

We all remember the scant response to the International Law Commission's proposal for arbitration procedures made in the General Assembly. The draft treaty drawn up by the Commission provided for a series of innovative and severe measures to prevent parties from evading, during the proceedings, their initial obligation to settle the dispute through arbitration. Most countries that do not follow traditional lines in the matter of State responsibility opposed the project. What was the reason why new nations did not support mandatory or almost mandatory arbitration? I ask this question objectively and without <u>parti pris</u>, since Mexico is one of the few countries on the American continent that has ratified with no reservations the Bogota Pact providing for compulsory arbitration. (Additional examples which illustrate our comments are the following: the phenomenon of rebellion is conveniently exemplified by the dispute between Iceland and Great Britain on fisheries. I will not refer to the substance of the problem, which is now solved, but to

the attitude of each country as regards the method preferred at the beginning for finding a solution. Great Britain proposed submitting the whole issue to the verdict of the International Court of Justice. Iceland not only refused to go to the Court to settle the dispute according to "the law in force", but it fought resolutely in the United Nations and other forums for the establishment of a new general rule of international law that would have the effect of settling the dispute in its favour. The essence of the problem was this: if it could be maintained that at that time international law allowed countries to extend their exclusive jurisdiction on fisheries and even on their territorial waters up to a distance of 12 miles, it is probable that at that time most judges of the Court, if the dispute had been submitted, would have decided that prevailing international law did not oblige other countries to recognize a unilaterally defined territorial limit of over three miles.)

This fact is surprising at first sight. The law is almost the defence par excellence for the weak. Precisely because small countries cannot use force to protect themselves, it is to their advantage to see that an international legal order is established with care and applied on a compulsory basis.

As I have tried to illustrate with the previous examples, another form of indirect rebellion by new nations has been their little inclination to accept the binding nature of the International Court of Justice's rulings. In an international community of 185 member countries, most of which are small or gained their independence relatively late, only slightly more than 30 of those which did not have a hand in establishing international law have accepted the jurisdiction of the Court as binding.

This is due to the same reason mentioned above. It is not a matter of distrusting the Court itself, nor is it the result of its little devotion to law. Basically, this problem stems from their not completely unfounded conviction that the body of laws to be applied by the Court generally speaking does not reflect their needs, since it was created during other times and with the practice of States whose interests were very different.

To find a fitting solution to this problem we must be fully aware that this situation exists, and understand it. The solution is not to reproach new nations or small and mid-sized countries for their scant enthusiasm for law and simply lament the fact that the number of States which have accepted the Court's jurisdiction as binding is so small. They must be given access to the processes of creating international law through the activity of international organizations and, of course, the Court. Despite the confidence that a fair number of countries have placed in the Court, it has not been able to affirm itself as a forum par excellence for the peaceful settlement of disputes. The Court has wide discretionary powers and in our opinion should use them to benefit the international community as a whole. Only so far as the Court faces up to the new international environment, will it be able to help keep international peace and security.

The subject that draws us together today is a very good example of the opportunities and challenges that the evolution of international conditions represents for this Court. I respectfully submit the following observations

in connection with the two questions being discussed. I will refer especially to the advisory opinion requested by the United Nations General Assembly.

(a) Mexico reaffirms each and every one of the considerations contained in the document we have submitted on the basis of the request for an advisory opinion by the United Nations General Assembly in its resolution 49/75 K. In particular, I would like to quote the following paragraph: "The threat posed to the survival of mankind by the existence of nuclear weapons grants to the international community as a whole the right to pronounce itself on the illegality of such weapons and to act accordingly above any sovereign right that a State may claim, to acquire any means it deems appropriate to guarantee its defence. Certainly, nuclear-weapon States cannot claim that this question belongs to their internal jurisdiction. The Charter of the United Nations undoubtedly established as its principal purpose the maintenance of international peace and security. The mere possession of nuclear weapons runs contrary to the security of mankind".

(b) The International Court of Justice, as a principal organ of the United Nations, has a clear responsibility to determine the merits of the problem brought before it concerning such an important issue on the international agenda.

We do not accept the comments made by some member countries that the Court should not pronounce itself on this matter. To argue the political nature of the issue, the claimed vagueness of the questions posed, or the argument that the United Nations General Assembly should not have requested an advisory opinion on subject-matters of its exclusive competence or falling within the competence of the Security Council, is not acceptable.

In relation to the first procedural objection it is pertinent to recall what Sir Gerald Fitzmaurice said in his book "The law and procedure of the International Court of Justice" 5/ published in 1986. "If the question submitted to the Court is in itself a legal issue and inter alia, all the questions related to the interpretation of international instruments are ipso facto legal ones, the fact that the subject contains political elements is irrelevant".

In this context, Judge Fitzmaurice cited the following cases brought before the court: the case of admissions in 1948; the 1950 admissions case, and that of peace treaties, also in 1950.

We do not consider the argument that the question is supposedly hypothetical or very abstract in the way it is presented as justification for the Court not pronouncing its verdict on the merits of the case. According to Articles 96 of the Charter and 65 of the Court's Statute, this tribunal can give an advisory opinion on any legal question, whether abstract or not. That criterion was applied in the two "admissions" cases examined in 1948 and 1950 by the Court. To quote again from Judge Fitzmaurice's 1986 book mentioned above, "The court has the right to give advisory opinions on abstract matters and if the subject is of a legal nature, it is irrelevant whether this is done in abstract terms or a specific case is referred to".

We do not know the grounds for considering the terms of the question put to the Court as "abstract", when in fact the nuclear threat has been a very real constant in international conflicts, even after the end of the cold war. In this regard, I would like to refer to the studies prepared by David R. Morgan, national president of the organization "Veterans against nuclear arms" dated 22 October 1995 and entitled "Summaries of the threats of use of nuclear weapons during the 16 known nuclear crises of the cold war (1946-1985)" and the article entitled "Nuclear targeting of the third world" by Milan Rai and Declan McHugh. To postpone giving a legal opinion on the threat or use of nuclear weapons until an actual case occurs is like substituting medicine with an autopsy. Specifically, we would like nations to know whether the policies that they consider as options are legal and are not likely to have consequences that could bring them after the act into an international court.

Mr. President and Members of the Court,

For years we have been facing a process of globalization. One of the consequences of this situation is general agreement that many problems should be solved on a multinational basis. This has produced a widened sphere of application for classic international law, which has grown from the right of nations to coexist, to a law that recognizes certain minimum levels of well-being as common aims. In 1969, Wolfgang Friedmann, as an exercise in theory, considered the expansion of the sphere of international law in the following terms: "The expansion of international law in progressing from an essentially negative code of laws of abstention to positive laws for cooperation - very fragmentary and inadequate though they may be in the present state of international politics - is an extreme development for the principles and structure of the international legal order."

In support of this idea, "cooperation as a principle of law", the former British judge in the International Court of Justice, Sir Gerald Fitzmaurice, whom I had the honour to know in my first years in the legal committee of the United Nations General Assembly, in his special report to the Institute of International Law entitled <u>The future of public international law and the international legal system in the circumstances of today</u> says the following: "We believe that, on the whole, it is not too much to think that the idea of the obligation to cooperate is well advanced on the path towards being accepted as a general principle of international law (<u>jus cogens</u>). Once the obligation to act in good faith is accepted, it must be recognized that something more is needed than abstention from acting in bad faith: an attitude <u>uberrimae fidei</u> is needed, which probably embraces the idea of recognizing a general common interest when this manifestly exists, and the wish to participate in measures to promote this common interest, or at least to refrain from measures that could harm it."

Here it is also pertinent to remember the verdict of the International Court of Justice in the case of the "Barcelona Traction" aired in this tribunal in 1970. In this judgment, a distinction was made between obligations for "the international community in general" and the "obligations of one nation towards another". On this occasion, the Court stated: "By

their very nature, the first interest all States, given the importance of their rights at stake; all States can be said to have a legal interest in protecting them, they are obligations erga omnes."

As regards the contention that the General Assembly should not have asked for guidelines on a subject of its competence, it must be pointed out that there are clear precedents in this regard. For instance, the Assembly requested clarification of a point of law (the Peace Treaties case, 1950, International Court of Justice) concerning a matter that was within its competence, as clearly established in the first resolution of the first United Nations General Assembly. This unanimously established the Atomic Energy Commission, whose first task was to prepare specific proposals "for the elimination of national arsenals of atomic weapons and all other arms capable of causing mass destruction", and in practice the Commission dedicated itself entirely to the subject of nuclear weapons. 6/

(c) The decision to abolish nuclear weapons is still the main goal of organized mankind. However, the advisory opinion refers only to the legality of use or the threat of force involving nuclear weapons, which according to law is clearly illegal.

In this respect, Mexico reasserts the absolute nature of the principle contained in the United Nations Charter that prohibits the threat or use of force in international relations. Therefore, we stress that it is impossible in these times to conceive the principle prohibiting the threat or use of force simply as a limitation of a nation's activity.

This principle also means that the competent organs of the United Nations are given a virtual monopoly of the authority to judge and decide, as well as the coercive power necessary in the international community, although it is not complete. Ever since San Francisco, and to the extent that the Organization is inefficient, and that its centralization is not complete, the collective security system recognized the need for States to take on certain and limited aspects of the use of force by exercising the right of legitimate self-defence, either individually or collectively.

However, this exceptional power is only granted to a country when it becomes necessary to replace or assist the Organization due to its lack of means of action, that is, in the actual use of force. It would not be possible to enhance this exceptional power when the centralization of authority is legally complete, that is to say in such time in which the Organization is indeed empowered to legally decide, in a final and binding manner, whether force should be used, and determine its extent and conditions.

In this context, for the reasons we give in our written comments and which I will now develop, the threat or use of force with nuclear weapons falls within the prohibition or prohibitions described above, including the prohibition in the exercise of legitimate collective or individual self-defence or pursuant to the resolutions of the Security Council. The same would apply to the resolutions of the General Assembly, following the precedent set by the resolution "Uniting for Peace", in what scholars called "The residual powers of the General Assembly".

Furthermore, we reject the theory that began to take shape in the Organization's earliest years which maintains that legitimate self-defence can be used not only against an armed attack that has already begun but against a State whose level of preparation for war and manifest aggressive intentions justify the suspicion that an attack is imminent.

It does not need much imagination to realize where this theory would lead us in a situation of atomic balance. It is enough to think that at this very moment there are still hundreds and perhaps thousands of projectiles with thermonuclear warheads ready to be fired. Fortunately the rational statesmen who have the control of nuclear arsenals in their hands - let us hope this is the case - handle the ideas of "clear and imminent danger" with less disrespect and levity than certain jurists do.

The second trend adversely affecting the Charter does not directly widen the scope of the right to resort to legitimate self-defence, but it is very closely linked to this very issue to demonstrate the importance that this trend has. It is enough to say that it was put before the United Nations Charter Committee of the International Law Association at its 1962 session in Brussels by the rapporteur for the topic, Professor Schwartzenberger, as follows: "The belligerent whose enemy violates the contractual obligation not to resort to force or warfare has the right, in reprisal, even when the attack was made with ordinary weapons, to use nuclear and thermonuclear weapons". An attempt was made to establish this theory by saying that the limitations imposed by customary international law on the use of biological and chemical weapons are based on their incompatibility with rules forbidding the use of poisons or poisoned weapons, rather than on their nature as weapons of mass destruction.

The interesting point about this theory is that a certain number of distinguished jurists supported it, although it is only fair to say that a probably larger number rejected it. It is also interesting to note that it re-emerges from time to time in academic and even political fora, as it happened a few days ago when a nuclear cooperation programme between two nuclear-weapon States was announced, apparently including among their defence doctrines the launching of an atomic bomb as a warning in case "their vital interests are threatened".

Theoretically, the concept of "vital interests" or "national interests" or "national security", was known to us as "raison d'état", or as Pascal said in his well-known aphorism "The State has its reasons, which reason knows nothing of".

Regrettably, even today there are many examples of actions taken by States invoking national interest above international law and above multilateral and bilateral treaties. In this regard, I refer to the case of the recent agreement between Great Britain and France on nuclear cooperation, to some military actions of the United States, and to the statement by General Vladimir Semyonov, Commander of the Russian forces, who referring to the deployment of Russian troops in Chechnya, justified such an action which presumably violates the Agreement on Conventional Armed Forces in Europe, by declaring that "the interests of Russia and its security are above the provisions of the treaty to which it is a party".

On this particular subject, I will simply say that in the opinion of my country the use of nuclear weapons in reprisal - or on any other pretext - against a non-nuclear attack is contrary to the principle of proportionality.

"If a belligerent barbarously massacres women and children, it is not human for the other to respond with the same barbarity." D. Antokiletz, "Derecho internacional público" 440 (4th ed. 1944) (Trans.). Torture is not a permissible response to torture. Nor is mass rape acceptable retaliation for mass rape. Just as unacceptable is retaliatory deterrence - "You have incinerated my city, I will incinerate yours".

As stated by Judge Jens Evensen, a former member of this Court, in a 13 April 1989 press conference at The Hague, "Reprisals are themselves violations ... (and) the very nature of modern weapons are such that nuclear weapons should never be allowed to be used, never as first use, never as reprisals ... The use of nuclear weapons is the ultimate crime ... We can formulate all kinds of scenarios, but that doesn't change the basic approach that there are certain weapons of warfare that are illegal and criminal and the behaviour of the other party doesn't make them legal".

All the explosives used during the five years that World War II lasted amounted to two megatons and now, as we all know, there are nuclear weapons available each with the explosive power of 50 megatons. Secondly, international law protects neutral States, and the effect of nuclear weapons cannot be controlled to this extent.

In addition, nuclear weapons do not make any distinction between armed forces and the civilian population; nuclear weapons are blind, and because of their probable effects on future generations due to their very nature, may even be considered inevitably genocidal. Let us ask ourselves: how is it possible in these circumstances to deny that the use of nuclear and thermonuclear armaments is contrary to the United Nations Charter and is the gravest example of the use of force?

(d) Mexico is one of the many countries that recognizes legal value as an international law source to some of the resolutions adopted by international organizations - a theory pioneered by the Mexican jurist Jorge Castañeda among others, I should add - and since many of the decisions that we cite to declare the use and threat of force with nuclear weapons illegal, are precisely resolutions of multilateral forums, I would like to explain our grounds for this theory to the Court.

It is true that a resolution of the United Nations General Assembly cannot be compared in legal value to a treaty in force between two or more countries. In a treaty, the parties enter into a formal commitment with the clear intention of being bound by everything that appears in its text and in strict conformity with their respective constitutional regulations. On the other hand, the resolutions of the General Assembly, although drawn up by specialized commissions, are the result of overcrowded debates and are passed by the vote of representatives from each country, normally appointed by their executive power. Nevertheless, there is a wide difference between agreeing

that the contents of a resolution of the Assembly do not have the full binding force of a treaty, and denying it any legal effect. This cannot be ignored at the risk of committing a serious error.

The reasonable attitude is to consider that the resolutions of the United Nations General Assembly, though lacking the binding force of a treaty, often express a general consensus - especially if they have been approved by a strong majority - and therefore they confirm or reinforce precedents in international law. As Oliver Lissitzyn said in his book "International law in a divided world" published in Montevideo in 1965: "Coming from the representative organ of the largest of the organizations ever conceived by mankind, resolutions must have considerable significance in the development of international law, since they recognize or confirm general practices or legal principles, which can come to be general principles of law". The juridical value of some resolutions is so undeniable that innumerable decisions of this high Court cite them as a source of law. In other words, they are used as the best way of determining the principles recognized by nations, in my opinion not only to confirm the existence of a customary rule, but to validate the theory of lex ferenda.

Finally, there is a decisive argument: whatever opinion one may have about the juridical value of the resolutions of a forum like the United Nations General Assembly, no one can claim that the opposite of what has been passed by an overwhelming majority in a forum that represents the feelings of almost all the nations in the world can be held as an international custom or as a generally recognized principle of international law. Consequently, even denying that these resolutions are binding legal regulations or that they confirm rules or legally valid principles, it is clear that the opposite principle, the one overthrown in a vote, cannot be presented as a valid rule either.

In Mexico's opinion, the above confirms the relevance of the Declaration on the Prohibition against the Use of Nuclear and Thermonuclear Weapons No. 1653 (XVI) which states "The use of nuclear and thermonuclear weapons is contrary to the spirit, letter and objectives of the United Nations, and, as such, a direct violation of the United Nations Charter". This Declaration, adopted by the General Assembly is ratified in resolutions such as No. 2938 (XXVII) (Part B) and others. All of them supported by significant majorities, all stressing the use or threat of nuclear weapons as a violation.

Furthermore, the treaties that forbid not only the use and threat of nuclear weapons but also their possession, transfer and production, such as the Tlatelolco Treaty for the Proscription of Nuclear Weapons in Latin America, the Antarctic Treaty, the Treaty on the Prohibition of Nuclear Tests in the Atmosphere, in Outer Space and Under Water, and the Treaty on the South Pacific Denuclearized Zone (Rarotonga Treaty) reflect one of the most effective procedures for attaining the abolition of nuclear weapons throughout the world: that is by gradually reducing the areas of conflict in nuclear terms.

Therefore, the argument that the existence of these treaties proves there is no universally applied regulation is untenable. It would be tantamount to saying that the only source for international law are the treaties, which is

not compatible with article 38 of the Statute of the International Court of Justice, and even less with our theory put forward in this intervention on the value of some resolutions of the United Nations General Assembly; what some theorists call an "instant custom" as a source of obligations and rights.

As Mexico stated in its written comments, even the Treaty for the Non-Proliferation of Nuclear Weapons has as its final objective the abolition of this type of artefacts, as it was expressly mentioned in the last review and extension conference of this international instrument. On that occasion, Mexico specifically rejected the argument that by the indefinite extension we were accepting a dichotomy between countries that have nuclear weapons and those that cannot obtain them. As stated in the press release of the Ministry of Foreign Affairs (5 September 1995), Mexico attaches great importance to the fulfilment of the commitments to nuclear disarmament assumed at that Conference. Should these not be fulfilled, we will need to revise our continuation as party to the Treaty for the Non-Proliferation of Nuclear Weapons on the basis of article X.

In short we are not prepared under any circumstances to accept a monopoly in the possession of nuclear weapons or to allow the modernization of these devices through tests whose legality we also question.

(e) International law applicable in cases of armed conflict, also known as humanitarian law, is composed of the set of legal provisions that ensure respect for human life, as its name indicates. This is divided into two branches, one of which is the law of The Hague and the other, the law of Geneva. The first establishes the rights and duties of nations during wartime, and among its most important precepts is the one limiting the freedom to choose the means of combat. If we accept the principle by which the use of any weapon is legitimate only as far as it is employed to put the combatant hors de combat, whether or not in self-defence, we could not even think that international law permits the possibility of defeating mankind as a whole.

Its stipulations stem mainly from the agreement approved in The Hague in 1899 and amended in 1907, by the peace conferences held here in those years. This is why it is known as the law of The Hague, although this branch also includes other Conventions such as that of St. Petersburg in 1868 prohibiting certain weapons, and the 1925 Geneva Protocol which forbids asphyxiating gases, bacteriological weapons and similar ones.

The aim of the law of Geneva is to protect soldiers who are hors de combat, as well as those who do not take part in hostilities. Its stipulations are contained in the four Geneva Conventions of 1949 and in the additional protocols to these instruments. They are the most significant effort made so far to codify the rules for protecting individuals in cases of armed conflict. The most important feature of this set of laws is that it tries to somehow prevent civilians from becoming direct victims of warfare.

Finally, it is worth emphasizing a general principle that was included in the Preamble of the two Hague Conventions, known as the "Martens clause" after the Russian jurist Fedor Fedorovich Martens. Its purpose is to confirm the enforcement of international law even in cases where existing international conventions do not stipulate the rules to be applied in determined situations.

This clause specifies that in such cases "the inhabitants and belligerents remain under the protection of the rule of the principles of law of nations, as they result from the usages established among civilized peoples, from the laws of humanity and the dictates of public conscience". And if there were any doubts concerning the preoccupation of mankind regarding this problem, the Association of Survivors of the Nuclear Attacks against Nagasaki and Hiroshima handed me in New York the copies of 100,000 signatures, out of the 50 million persons who subscribed a declaration expressing their repudiation of nuclear weapons.

It is exactly this principle embodied in the "Martens clause", and another which emerged from the Hague Conferences establishing that "excessively cruel or repulsive weapons, although they have military use, should be prohibited". The devastating effects produced by nuclear weapons of an indiscriminate nature, as was evidenced by the attacks on Hiroshima and Nagasaki, and which reaffirm the illegality of the use and threat to use nuclear weapons in any circumstance and I repeat in any circumstance, as I have tried to prove in this statement.

(f) Finally, it is pertinent to recall that the Human Rights Committee, whose function consists in supervising the implementation of the International Covenant on Civil and Political Rights, has determined that nuclear weapons endanger the right to life as follows: "The designing, testing, manufacture, possession, deployment and use of nuclear weapons are among the greatest threats to the right to life which confront mankind today. This threat is compounded by the danger that the actual use of nuclear weapons may be brought about, not only in the event of war, but even through human or mechanical error or failure. Furthermore, the very existence and gravity of this threat generates a climate of suspicion and fear between States, which is in itself antagonistic to the promotion of universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations and the international covenants on human rights".

In other words, nuclear weapons endanger the right to life and contribute to create a climate of mistrust amongst States which increases the possibility that the threats may become actual attacks.

In this regard, I wish to recall that the Vice-President of this Court, Judge Schwebel, stated with regard to human rights that the obligations of States in this field cannot be considered as pertaining to the domaine réservé of a given State. And "Once a State has undertaken obligations towards another State, or towards the international community in a specified sphere of human rights, it may no longer maintain vis-à-vis the other State or the international community, that matters in that sphere are exclusively or essentially within his domestic jurisdiction and outside the range of international concern". Consequently, the possession and the use of nuclear weapons which violates the right to life cannot be justified by nuclear-weapon States as part of their strategy of defence or as a matter falling within the domestic jurisdiction of that State.

These, Mr. President and members of the International Court of Justice, are the comments that Mexico submits in its first appearance since this tribunal was created. I hope they will contribute substantially to the advisory opinion that the Court will issue in response to the request of the General Assembly, the forum which best represents the opinion of mankind in subject matters such as the present one.

Notes

1/ SHABTAI, Rosenne; 1965 The Law and Practice of the International Court, Leyden, Netherlands; A.W. Sijthoff.

2/ JENKS, Wilfred; 1972 (1909) El Mundo más allá de la Carta: Cuatro Etapas de la Organización Mundial; Madrid, Tecnos, Colec. Ciencias Sociales.

3/ DE VISSCHER, Charles; 1957 Theory and Reality in Public International Law; Princeton; Princeton University.

4/ BEDJAOUI, Mohammed; 1979 Hacia un Nuevo Orden Económico Internacional, Salamanca, España; Edit. Sigueme.

5/ FITZMAURICE Gerald, The Law and Procedure of the International Court of Justice: Treaty Interpretation and Certain Other Treaty Points, apud, SHABTAI, Rosenne, op. cit.

6/ There is no doubt that the nuclear attacks on Hiroshima and Nagasaki produced a negative effect on the future of the United Nations Organization just a few weeks after its founding Charter has been signed on 26 June 1945, and only months before the first General Assembly met in London on 24 January 1946. They created a situation that changed the basic concepts under which the United Nations had been created, and which it had to address as a matter of priority.

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CONFERENCE ON DISARMAMENT

CD/1390
16 April 1996

Original: ENGLISH

LETTER DATED 15 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF EGYPT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE "CAIRO DECLARATION ADOPTED ON THE OCCASION OF THE SIGNATURE OF THE AFRICAN NUCLEAR-WEAPON-FREE ZONE TREATY (THE TREATY OF PELINDABA)"

I have the honour to forward to you herewith the text of the "Cairo Declaration adopted on the occasion of the signature of the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba)" on 11 April 1996.

I would be most grateful to you if this document could be issued and distributed as an official document of the Conference on Disarmament.

(Signed): Mounir Zahran
Ambassador
Permanent Representative

GE.96-61066 (E)

THE CAIRO DECLARATION

Adopted on the occasion of the Signature of the
African Nuclear-Weapon-Free Zone Treaty (The Treaty of Pelindaba)

The African states signatories of the African Nuclear-Weapon Free-Zone Treaty (The Treaty of Pelindaba), meeting in Cairo, Egypt, on 11 April 1996,

Recalling the Declaration on the Denuclearization of Africa adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session held in Cairo in 1964,

Recalling also the adoption by the Assembly of Heads of State and government of the organization of African Unity at its thirty-first ordinary session, held at Addis Ababa from 26 to 28 June 1995, of the final text of the Treaty,

Recalling further United Nations General Assembly resolution 50/78 of 12 December 1995, by which the Assembly welcomed the Adoption by the African leaders of the final text of the Treaty,

Recognizing the valuable contribution that the establishment of nuclear weapon free zones in Latin America and the Caribbean, South Pacific and South East Asia have made to the process of nuclear non-proliferation,

Stressing the importance of promoting regional and international cooperation for the development of Nuclear Energy for peaceful purposes in the interest of sustainable social and economic development of the African Continent,

Solemnly declare that the signing of the Treaty further consolidates global efforts towards the non-proliferation of nuclear weapons including the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and is a highly significant contribution to the enhancement of international peace and security;

Invite the African states to ratify the Treaty as soon as possible so that it can enter into force without delay;

Call upon the Nuclear-Weapon States as well as the States contemplated in Protocol III to sign and ratify the relevant Protocols to the Treaty as soon as possible;

Emphasize that the establishment of nuclear-weapon-free zones, especially in regions of tension, such as the Middle East, on the basis of arrangements freely arrived at among the States of the regions concerned, enhances global and regional peace and security;

Call upon all those States who have not yet done so to adhere to the NPT;

Call upon the Nuclear Weapon States to actively pursue the goal of a nuclear-weapon-free world as embodied in article VI of the NPT, through the urgent negotiation of agreements with effective measures of verification towards the complete elimination of nuclear weapons at the earliest possible time;

Decide that the first session of the Conference of the States Parties to the Treaty shall be held not later than one year after its entry into force, and endorse the establishment of the headquarters of the African Commission on Nuclear Energy in South Africa;

Request the Secretary-General of the United Nations, in accordance with resolution 50/78, adopted by the United Nations General Assembly on 12 December 1995, to provide the necessary assistance in 1996 in order to achieve the aims of the present declaration.

Cairo, 11 April 1996

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CONFERENCE ON DISARMAMENT

CD/1391
24 April 1996

ENGLISH
Original: SPANISH

NOTE VERBALE DATED 19 APRIL 1996 FROM THE PERMANENT MISSION OF CHILE ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT BY THE GOVERNMENT OF CHILE CONCERNING THE SIGNING OF THE PELINDABA TREATY, BY MEANS OF WHICH THE DENUCLEARIZED STATUS OF THE AFRICAN CONTINENT WAS ESTABLISHED

The Permanent Mission of Chile to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Conference on Disarmament and has the honour to attach the text of a statement made by the Government of Chile concerning the signing of the Pelindaba Treaty establishing the denuclearized status of the African continent.

The Permanent Mission of Chile requests the secretariat of the Conference on Disarmament to arrange for the attached document to be distributed as an official document of the Conference on Disarmament.

GE.96-61144 (E)

Statement

The Government of the Republic of Chile particularly welcomes the signing in Cairo of the Pelindaba Treaty, an international instrument establishing a new denuclearized zone whose geographical scope encompasses the whole continent of Africa.

Under the provisions of the Treaty, the 49 signatory States have made a historic commitment to renounce atomic weapons and prohibit both the conduct of tests and the accumulation of nuclear waste on their territory.

At the same time, the fact that - among the nuclear Powers - China, the United States and the United Kingdom have signed Protocols I and II to the Treaty, and France has signed Protocol III in addition to those mentioned, has been noted with singular satisfaction.

The promotion of denuclearized zones has been a constant feature of our foreign policy. Chile is convinced that such zones constitute an effective means of ensuring non-proliferation and one which should therefore be extended to other geographical areas. Consequently, our country has given full backing to the establishment of nuclear-weapon-free zones in the Antarctic (Antarctic Treaty), Latin America (Tlatelolco), the South Pacific (Rarotonga), South-East Asia (Bangkok) and now Africa, and welcomes the proposal made by President Hosni Mubarak for the establishment of a nuclear-weapon-free zone in the Middle East.

As it hails this happy initiative, which constitutes a major milestone on the path towards a world free of nuclear weapons, the Government of Chile also wishes to emphasize its timeliness and scope, particularly in the context of the negotiations being pursued by the international community for the conclusion of a comprehensive nuclear-test-ban treaty by the middle of this year.

Santiago, 15 April 1996

CONFERENCE ON DISARMAMENT

CD/1392
24 April 1996

ENGLISH
Original: ENGLISH AND SPANISH

NOTE VERBALE DATED 10 APRIL 1996 FROM THE PERMANENT MISSION OF MEXICO ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF RESOLUTION C/E/RES.27 ON COOPERATION WITH OTHER NUCLEAR-WEAPON-FREE ZONES ADOPTED BY THE COUNCIL OF THE AGENCY FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA AND THE CARIBBEAN

The Permanent Mission of Mexico to the international organizations presents its compliments to the secretariat of the Conference on Disarmament and has the honour to forward to it resolution C/E/Res.27 on cooperation with other nuclear-weapon-free zones adopted on 27 March 1996 by the Council of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. The Mission requests that the resolution should be distributed as an official document of the Conference on Disarmament.

GE.96-61150 (E)

RESOLUTION C/E/RES.27

"COOPERATION WITH OTHER NUCLEAR-WEAPON-FREE ZONES"

The Council:

Recalling that since 1967, with the purpose to contribute towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness, Latin America and Caribbean Governments signed the Treaty of Tlatelolco, which had been taken as a model for the establishment of other nuclear-weapon-free zones in different regions of the world;

Considering that the establishment of nuclear-weapon-free zones contributes significantly to the strengthening of international peace and security, through the reduction of conflict areas;

Recalling in particular resolution 14 (E-VI) of 22 October 1985, by which the General Conference welcomed with satisfaction the signature of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga);

Bearing in mind that on 15 December 1995, the Heads of State of the Association of South-East Asian Nations (ASEAN) signed in Bangkok the Treaty on the South-East Asia Nuclear-Weapon-Free Zone;

Observing with satisfaction that on 11 April 1996, the Treaty on Nuclear Weapon Free Zone in Africa (Treaty of Pelindaba) will be open for signature in Cairo, Egypt;

Taking note of United Nations General Assembly resolution 50/66, of 12 December 1995, which calls to the directly interested parties to explore the possibility of adopting measures to carry out the proposal for the establishment of a nuclear-weapon-free zone in the Middle East;

Recognizing that the establishment of nuclear-weapon-free zones constitutes an important measure to achieve the goal of a world completely free of nuclear weapons;

Convinced that while that goal is achieved, it is absolutely necessary that all nuclear-weapon States undertake the commitment to respect the nuclear-weapon-free zones, established through agreements among the States of the concerned region;

Resolves:

1. To welcome with satisfaction the establishment of Nuclear-Weapon-Free Zones in South-East Asia and Africa.

2. To entrust the Secretary-General, on behalf of the Council and in consultation with it, to promote an exchange of information on the experience gained by the Agency for the Prohibition of Nuclear Weapons in Latin America and Caribbean through its almost 30 years of existence.

3. To request the Secretary-General to prepare a report on the prospects of establishing cooperation agreements with the nuclear-weapon-free zones in the South Pacific, South-East Asia and Africa, in order to achieve common positions dealing with disarmament issues at United Nations forums.

4. To examine the Secretary-General's report, in order to adopt pertinent measures.

CONFERENCE ON DISARMAMENT

CD/1393
30 April 1996

ENGLISH
Original: ENGLISH, FRENCH AND RUSSIAN

LETTER DATED 26 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF FRANCE AND THE ACTING PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A STATEMENT ON A COMPREHENSIVE NUCLEAR-TEST-BAN TREATY MADE AT THE G8 SUMMIT IN MOSCOW ON NUCLEAR SECURITY ISSUES

We have the honour to forward to you the text of a Statement on a Comprehensive Nuclear-Test-Ban Treaty made on 20 April 1996 at the G8 Summit in Moscow on nuclear-security issues.

Could you please take the appropriate steps to register this statement as an official document of the Conference on Disarmament, and to have it distributed to all member delegations and non-member States participating in the work of the Conference.

(Signed) Joëlle Bourgois
Ambassador
Permanent Representative of
France to the Conference
on Disarmament

(Signed) Valeri N. Zemskov
Minister Plenipotentiary
Acting Permanent
Representative of the
Russian Federation to the
Conference on Disarmament

STATEMENT ON COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

We affirmed our commitment to conclude and sign a comprehensive nuclear-test-ban treaty (CTBT) by September 1996. We agreed that a CTBT will be a concrete step toward the achievement of one of the highest priority objectives of the international community in the field of disarmament and non-proliferation, and the fulfilment of the obligations under article VI of the Treaty on the non-proliferation of nuclear weapons (NPT). We also agreed that the CTBT must prohibit any nuclear-weapon test explosion or any other nuclear explosion. We affirmed that this would constitute a truly comprehensive nuclear test ban.

In this connection, we recalled the importance of the Decision on Principles and Objectives for nuclear Non-Proliferation and Disarmament adopted on 11 May 1995.

CONFERENCE ON DISARMAMENT

CD/1394
7 May 1996

Original: ENGLISH

LETTER DATED 1 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "PROLIFERATION IN ALL ITS ASPECTS POST-1995: THE VERIFICATION CHALLENGE AND RESPONSE" 1/

I have the honour to transmit to you a new Canadian publication, entitled "Proliferation in all its aspects post-1995: the verification challenge and response", which comprises the proceedings of the Twelfth Annual Ottawa Verification Symposium.

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member State delegations under cover of an official CD document.

(Signed): Mark J. Moher
Ambassador
Permanent Representative

1/ A limited distribution of this publication in English only has been made available to the members and non-members invited to participate in the work of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada.

CONFERENCE ON DISARMAMENT

CD/1395
13 May 1996

ENGLISH
Original: RUSSIAN

LETTER DATED 13 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A STATEMENT BY THE PRESS SECRETARY OF THE PRESIDENT OF THE RUSSIAN FEDERATION CONCERNING THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

I have the honour to transmit to you a statement made on 19 April 1996 by the Press Secretary of the President of the Russian Federation concerning the comprehensive nuclear-test-ban treaty.

Please take the appropriate steps to issue this document as an official document of the Conference on Disarmament and distribute it among delegations of all States members of the Conference and non-member States participating in the work of the Conference.

(Signed): Grigori V. Berdennikov
Ambassador Extraordinary
and Plenipotentiary
Permanent Representative of
the Russian Federation
to the Conference on Disarmament

STATEMENT BY THE PRESS SECRETARY OF THE PRESIDENT OF THE RUSSIAN FEDERATION

concerning the comprehensive nuclear-test-ban treaty

The Russian Federation is a consistent advocate of a comprehensive nuclear test ban. In October of this year it will be five years since Russia introduced a moratorium on nuclear testing.

I am convinced that the comprehensive nuclear-test-ban treaty (CTBT), the drafting of which is now entering a decisive phase, will be a powerful factor preventing the proliferation of nuclear weapons and their qualitative improvement.

Guided by the desire to facilitate the prompt elaboration of the treaty in the Conference on Disarmament, I wish to declare that Russia supports the commitment to ban all nuclear-weapon test explosions and all other nuclear explosions in any environment.

Our approach is based on the fact that Russia, like the other nuclear Powers, bears particular responsibility for ensuring the safety of its nuclear arsenal pending the general and complete elimination of nuclear weapons, which remains our ultimate goal.

In this connection, when the CTBT enters into force Russia will be obliged to conduct nuclear stockpile stewardship activities which do not run counter to the ban to be imposed by the future treaty. To this end, the following measures will be implemented:

1. Adoption and implementation of a federal programme of activities to ensure the safety and reliability of the Russian nuclear arsenal without conducting nuclear explosions.

2. Support for existing Russian nuclear centres and implementation of programmes in the field of theoretical and investigatory nuclear technology projects, which will ensure maintenance of the scientific and technological potential and the high level of skills of scientists, designers and employees in these nuclear centres.

3. Maintenance of the basic capability for the possible renewal of nuclear testing activities in the event that the situation develops in such a way that the Russian Federation ceases to be bound by the restrictions contained in the treaty.

4. Continuation of activities aimed at improving our capabilities for monitoring the ban on nuclear testing.

5. Further improvement of information-gathering and analytical resources, including intelligence resources, to ensure the collection of reliable and timely information on nuclear arsenals, possible covert nuclear armament projects or other activities conducted by other countries that are of significance for nuclear weapons purposes.

At the same time I wish to declare that Russia, if its supreme interests are threatened, will make use of its right to withdraw from the treaty in order to conduct all necessary tests which may be called for if there is no other possible means of confirming a high level of confidence in the safety or reliability of any of the key types of Russian nuclear weapons.

While expressing our support for the decision on this matter taken by the 1995 Conference on the Review and Extension of the Treaty on the Non-Proliferation of Nuclear Weapons, we call on all participants in the negotiations on the comprehensive nuclear-test-ban treaty to do their utmost to complete the negotiations no later than in September 1996.

CONFERENCE ON DISARMAMENT

CD/1396
15 May 1996

ENGLISH
Original: ENGLISH AND FRENCH

NOTE VERBALE DATED 14 MAY 1996 FROM THE PERMANENT MISSION OF ITALY ADDRESSED TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A DECLARATION CONCERNING THE NEGOTIATIONS ON THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY MADE ON 22 APRIL 1996 BY THE GENERAL AFFAIRS COUNCIL OF THE EUROPEAN UNION

The Italian Permanent Mission to the Conference on Disarmament presents its compliments to the Secretariat of the Conference on Disarmament and, on behalf of the Presidency of the European Union, has the honour to enclose herewith the text of a declaration - concerning the negotiations on the comprehensive nuclear-test-ban treaty - made on 22 April 1996 by the General Affairs Council of the European Union to which the European Free Trade Association (EFTA) countries members of the European Economic Area (EEA), the Central and Eastern European countries associated with the European Union and the associated countries Cyprus and Malta aligned themselves.

The Permanent Mission of Italy requests the Secretariat of the Conference on Disarmament to arrange for the enclosed statement to be circulated, as an official document of the Conference, among the members and non-members of the Conference.

Annex

DECLARATION BY THE EUROPEAN UNION ON THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY NEGOTIATIONS

The European Union attaches the highest priority and is strongly committed to the conclusion, before the end of the spring session of the Conference on Disarmament, of the negotiations on a comprehensive nuclear-test-ban treaty that will prohibit any nuclear-weapon-test explosion or any other nuclear explosion, so as to enable its signature by autumn, at the outset of the fifty-first session of the General Assembly.

The European Union stresses the importance of ensuring that the treaty is universal and is internationally and effectively verifiable.

Such a treaty will be a concrete step in the full realization and effective implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons. It will contribute to the prevention of the proliferation of nuclear weapons, to the process of nuclear disarmament and therefore to the enhancement of international peace and security.

The European Union welcomes and endorses the "zero yield" option supported by a large number of countries and calls on those countries that have not yet done so to subscribe to this position.

The European Free Trade Association countries members of the European Economic Area, the Central and Eastern European countries associated with the European Union and the associated countries, Cyprus and Malta, align themselves with the present declaration.

CONFERENCE ON DISARMAMENT

CD/1397
20 May 1996

ENGLISH
Original: SPANISH

NOTE VERBALE DATED 15 MAY 1996 FROM THE PERMANENT MISSION OF VENEZUELA TO THE SECRETARIAT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A STATEMENT MADE BY THE GOVERNMENT OF VENEZUELA ON THE OCCASION OF THE SIGNING OF THE PELINDABA TREATY ON 11 APRIL 1996

The Permanent Mission of Venezuela to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Conference on Disarmament and has the honour to attach a statement made by the Government of Venezuela on the occasion of the signing on 11 April 1996 of the Pelindaba Treaty, an instrument establishing a nuclear-weapon-free zone in Africa.

The Permanent Mission of Venezuela would be very grateful to the secretariat of the Conference on Disarmament if it would arrange for this statement to be distributed as an official document of the Conference on Disarmament.

The Government of Venezuela expresses its satisfaction at the signing, on 11 April 1996, of the African Nuclear-Weapon-Free-Zone Treaty (Pelindaba Treaty), a historic event that will help to strengthen the international nuclear weapon non-proliferation regime, as a result of the joint efforts of the United Nations and the Organization of African Unity.

The Government of Venezuela, recognizing that the establishment of nuclear-weapon-free zones, underpinned by agreements voluntarily arrived at by the States concerned, constitutes an effective measure of disarmament, is persuaded that this legal instrument will prove conducive to regional stability and the strengthening of international peace and security.

In that regard, the Government expresses the wish that the States parties will take the necessary steps to ensure that the Treaty enters into force promptly, complementing the efforts made by Latin America and the Caribbean with the signing of the Treaty of Tlatelolco, and by the Association of South-East Asian Nations with the signing of the Treaty of Bangkok on 15 December 1995, serving as an incentive for the inclusion of other regions of the world in the system of nuclear-weapon-free zones.

Caracas, 15 April 1996

CONFERENCE ON DISARMAMENT

CD/1398
28 May 1996

Original: ENGLISH

PROGRESS REPORT TO THE CONFERENCE ON DISARMAMENT ON THE FORTY-FOURTH SESSION OF THE AD HOC GROUP OF SCIENTIFIC EXPERTS TO CONSIDER INTERNATIONAL COOPERATIVE MEASURES TO DETECT AND IDENTIFY SEISMIC EVENTS

1. The Ad Hoc Group of Scientific Experts to Consider International Cooperative Measures to Detect and Identify Seismic Events (GSE), initially established in pursuance of the decision taken by the Conference of the Committee on Disarmament on 22 July 1976, held its forty-fourth formal session from 20 through 24 May, 1996, in the Palais des Nations, Geneva, under the Chairmanship of Dr. Ola Dahlman of Sweden. This was the thirty-sixth session of the Group, convened under its new mandate by the decision of the Committee on Disarmament at its 4th meeting on 7 August 1979.

2. The Ad Hoc Group is open to all Member States of the Conference on Disarmament. It is also open on a standing basis to all non-Member States which have been invited upon their request by the Conference on Disarmament to participate in its work. Accordingly, scientific experts and representatives of the following Member States of the Conference on Disarmament participated in the session: Argentina, Australia, Belgium, Brazil, Bulgaria, Canada, China, France, Germany, Hungary, Italy, Japan, Mongolia, Netherlands, Pakistan, the Russian Federation, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

3. Scientific experts and representatives from the following non-Member States of the Conference on Disarmament participated in the session: the Czech Republic, Denmark, Finland, Israel, Kazakstan, Norway, the Republic of Korea, the Republic of South Africa, Spain, Switzerland, Turkey and Ukraine.

4. During the session 39 papers containing information on national investigations related to the work of the Group were presented by participating experts and reviewed by the Group. In addition, substantial technical and scientific material was presented by the three GSETT-3 Working Groups on Planning, Operations and Evaluation.

5. The Ad Hoc Group reviewed results from its Third Technical Test, GSETT-3, and noted that this test is now well into its second year of successful full-scale operation. The Working Group on Operations reported that there are now 43 primary stations and 87 auxiliary stations contributing data to the GSETT-3 IDC. A number of additional auxiliary stations have contributed data but have been temporarily removed from the network because of low reliability. Botswana and the Republic of Korea have recently announced their intention to provide data from primary stations. Data from the Korean station is already being transmitted to the GSETT-3 IDC, and data from the station in Botswana will be available at the GSETT-3 IDC in the near future. Bulgaria, China and Hungary have begun contributing supplementary data, bringing the total number of countries contributing such data to 23. The GSETT-3 network currently in operation is shown in Annex 1.

The GSE Chairman, assisted by the GSE Secretary and the Convenor of the Working Group on Planning, as well as several individual delegations, have worked actively with countries to increase participation in the network envisaged for the IMS.

6. The GSETT-3 IDC has continued its successful operation, with gradual improvements of the procedures. In particular, the new Detection and Feature Extraction and the Global Association software packages have resulted in marked improvements on the data processing. The number of unassociated detections has decreased significantly for both the primary stations and for the auxiliary stations. Furthermore, the number of phases in the Reviewed Event Bulletins which have had to be retimed by analysts, has also decreased significantly.

7. After presenting a comprehensive evaluation report on the first year of GSETT-3 in February, the Working Group on Evaluation (WGE) has continued an ongoing evaluation of GSETT-3, focusing on specific aspects of the experiment. In particular, the WGE has evaluated the effects of the new detection and event definition software described above. Even though these procedures have been in effect for only a short time, the WGE concludes that they have been proven to have significantly increased the quality of the final GSETT-3 products.

The WGE has also performed an in-depth investigation of the auxiliary data retrieval mechanism, and this study has led to several concrete suggestions which could improve the performance of this mechanism. In addition, other issues such as magnitudes, source characterization parameters and the GSETT-3 documentation have been reviewed.

8. In planning its future work, the Group will be guided with respect to GSETT-3 by the provisions contained in CD/1385, paragraph 20. Therefore, to provide assistance for implementation of the CTBT, the Group should complete a comprehensive report on GSETT-3 by August 1996 for the Conference on Disarmament. The report should contain, inter alia, the results and current conclusions of GSETT-3 and could be available to the envisaged Preparatory Commission. Following the completion of that report, the Group recommends the continuation of the work begun under GSETT-3 until the Preparatory Commission assumes responsibility, including financing, for the work on establishing the International Monitoring System. This would allow the uninterrupted operation and development of the evolving IMS, including the prototype IDC, as well as continued calibration of the IMS.

9. The GSE recommends that delegations participating in GSETT-3 plan and schedule the transition to those facilities proposed for inclusion in the IMS so that practical experience can be obtained.

10. At its proposed August 1996 meeting the GSE should:

- complete a comprehensive report on GSETT-3;
- complete the calibration plan, an initial version of which is contained in Annex 2;
- perform a thorough review of technical standards for the eventual IMS stations. The preliminary specifications given in CD/1211 should be revised in light of the GSETT-3 experience.
- continue to solicit increased participation by stations envisaged for the IMS.

11. The Group noted that its recent evaluation of the first full year of GSETT-3 (CD/1385 and GSE/43/CRP.262) identified several specific areas in which additional work is needed by the prototype IDC, including

- enhance the documentation of GSETT-3 procedures and of the hardware and software systems which will be needed for the IMS;
- increase the effectiveness of the automated procedures;

-- implement additional features such as associated waveforms for specific events in the Automatic Data Request Manager (AutoDRM) and subscription mechanisms;

-- improve procedures for the use of data from Auxiliary Seismic Stations to make data requests more effective;

-- continue the fine tuning and improvements of all stages of automatic processing;

-- continue integrating data from other technologies on a step-by-step basis into the prototype IDC's processing system. The resulting analyses should be reflected in the IDC bulletins so that this information, together with the raw data, will be available to experts from all IMS technologies;

-- continue the calibration of the system.

The Group also noted the need for additional work by NDC's, particularly in the following areas of study:

-- comparison of signal detection algorithms at the NDC's and the prototype IDC

-- comparison of supplementary data and IDC locations for specific regions

-- provision of data useful in various aspects of seismological evaluation

-- monitoring of station performance and reporting to the prototype IDC.

12. The GSE recommends that an external audit of the prototype IDC system be undertaken to obtain an independent assessment of the status of both hardware and software with emphasis on the documentation, in order to assure the operability and maintainability of the prototype IDC system to be transferred to the future CTBT Organization.

13. The Ad Hoc Group noted with appreciation the convening of an informal regional workshop in Pretoria, South Africa for the African region from 22 to 24 April 1996 in which 35 diplomats and scientific experts from 21 countries participated. This workshop followed a similar workshop, previously reported, for the Central and South America region in San Juan, Argentina in November, 1995. The purpose of these workshops was to increase awareness of the GSETT-3 experiment and the future International Monitoring System of the CTBT, and to encourage the participation of countries in these regions. The workshops were well attended by seismologists and government representatives from many countries in the respective regions. A summary of the results of these workshops is presented in Annex 3. A third regional workshop focusing on participation in the future IMS of the CTBT is being planned for the South East Asian region in September 1996.

14. In the context of these regional workshops, the Ad Hoc Group noted that training and education of experts worldwide will be an important issue in the future monitoring system. The IMS will need trained experts in all the monitoring technologies, both at the national level and at the IDC. The Ad Hoc Group noted with appreciation that several initiatives have already been taken in this regard, both by national delegations and by the GSETT-3 IDC, and encourages additional such initiatives in the future.

15. The Ad Hoc Group noted with appreciation the convening of an informal International Conference: "Technologies to Monitor CTBT. The Role and the Place of National Data Centres in the International Monitoring System" in Moscow, Russia, from 13 to 19 May 1996. The

Conference was attended by 137 technical experts from 12 countries. The objective of the Conference was to stimulate discussion on technical aspects of NDC operation, such as equipment, algorithms and software issues, as well as communication means and data transmission. The Conference provided a good opportunity for experts from different countries to discuss problems of nuclear test ban monitoring, and is expected to further contribute to the process of establishing a CTBT International Monitoring System.

16. The Ad Hoc Group suggests that its next session, subject to approval by the Conference on Disarmament, should be convened from 5-16 August 1996.

ANNEX 1

Table 1: Status of GSETT-3 Station and Gamma Data Commitments as of 24 May 1996

Country	GSETT-3 Primary Stations Envisaged by GSE	GSETT-3 Auxiliary Stations Offered	Station Commitment Status	Data Available to IDC	Gamma Data Committed/ Provided to IDC
Argentina	1	2	committed	1994/1996/7	yes/no
Armenia	0	1	committed	1996	-
Australia	5	12	committed	1994	yes/yes
Austria	0	1	lacking	unknown	-
Belgium	0	0	not applicable	not applicable	yes/no
Bolivia	1	-	committed	1995	-
Botswana	1	-	committed	1996	-
Brazil	1	2	committed	1994/1996	yes/no
Bulgaria	0	1	committed	1996	yes/yes
Canada	6	18	committed	1994	yes/yes
Cen. Afr. Republic	1	-	committed	1994	-
Chile	0	1	committed	1995	yes/no
China	3	0	committed	1995/1996	yes/yes
Colombia	1	0	committed	1996	yes/no
Cook Islands	0	1	committed	1994	-
Costa Rica	0	1	committed	1995	yes/no
Czech Republic	0	1	committed	1994	yes/no
Denmark	0	1	committed	1996	yes/yes
Egypt	1	0	lacking	unknown	-
Ethiopia	0	1	committed	1995	-
Fiji	0	1	committed	1996	-
Finland	1	2	committed	1994	yes/yes
France	1	0	committed	1995	yes/yes
Germany	1	9	committed	1994	yes/yes
Hungary	0	1	committed	1994	yes/yes
Iceland	0	1	committed	1995	-
India	1	0	committed	unknown	-
Indonesia	1	-	lacking	unknown	-
Iran, Islamic Rep. of	1	2	committed	1996	yes/no
Israel	0	4	committed	1995/1996	yes/yes
Italy	0	2	committed	1994	yes/yes
Ivory Coast	1	-	committed	1995	-
Japan	1	7	committed	1994/1996	yes/yes
Kazakhstan	1	3	committed	1996	-
Kenya	1	-	lacking	unknown	-
Republic of Korea	1	-	committed	1996	-
Mexico	1	2	lacking	unknown	-
Mongolia	1	1	committed	1995/1996	-
Namibia	0	1	committed	1995	
Netherlands	0	1	committed	1994	yes/no
New Zealand	0	1	committed	1994	yes/yes

Country	GSETT-3 Primary Stations Envisaged by GSE	GSETT-3 Auxiliary Stations Offered	Station Commitment Status	Data Available to IDC	Gamma Data Committed/ Provided to IDC
Norway	3	1	committed	1994/1996	yes/yes
Pakistan	1	1	committed	1995/1996	-
Papua New Guinea	1	-	committed[1]	1995	-
Paraguay	1	-	committed	1994	-
Peru	0	1	committed	1996	yes/no
Philippines	0	1	committed	1995	-
Poland	0	1	committed	1996	yes/yes
Portugal	0	1	committed	-	-
Romania	0	1	committed	1996	yes/yes
Russian Federation	5	5	committed	1994/1996	yes/yes
Seychelles	0	1	committed	1995	-
Solomon Islands	0	1	committed	1995	-
South Africa	1	2	committed	1994/1996	yes/yes
Spain	1	2	committed	1995	yes/yes
Sweden	1	0	committed	1995	yes/yes
Switzerland	0	2	committed	1995/1996	yes/yes
Thailand	1	-	committed	1995	-
Tunisia	1	-	lacking	unknown	-
Turkey	1	-	committed	unknown	-
Turkmenistan	1	-	committed	1995	-
Ukraine	1	1	committed	1995/1996	yes/no
United Kingdom	0	3	committed	1994/1996	yes/yes
United States	7	11	committed	1994	yes/yes
Venezuela	0	1	committed	1995	-
Western Samoa	0	1	committed	1994	-
Zambia	0	1	committed	1995	-
TOTAL (Committed)	**60(55)**	**119 (116)**			**34/23**

1. Envisaged GSETT-3 Primary station currently used as a GSETT-3 auxiliary station.

Table 2: GSETT-3 Stations

Station Name (in alphabetical order)	Code	Type	Station Type	Latitude	Longitude	Data used by IDC by 24 May 1996	In envisaged IMS network
Argentina							
Paso Flores	PLCA	α	3-C	-40.731	-70.550	yes	yes
Coronel Fontana	CFA	β	3-C	-31.607	-68.239	no	yes
Ushuaia	USHA	β	3-C	-54.800	-68.300	no	yes
Armenia							
Garni	GNI	β	3-C	40.050	44.720	no	yes
Australia							
Alice Springs	ASAR	α	array	-23.666	133.904	yes	yes
Mawson, Antarctica	MAW	α	3-C	-67.604	62.871	yes	yes
Stephens Creek	STKA	α	3-C	-31.882	141.592	yes	yes
Warramunga	WRA	α	array	-19.943	134.339	yes	yes
Woolibar	WOOL	α	3-C	-31.073	121.678	yes	no
Armidale	ARMA	β	3-C	-30.420	151.628	yes	no
Casey	CSY	β	1-C	-66.289	110.529	yes	no
Charters Towers	CTA	β	3-C	-20.088	146.254	yes	yes
Fitzroy Crossing	FITZ	β	3-C	-18.103	125.643	yes	yes
Forrest	FORT	β	1-C	-30.779	128.059	yes	no
Meekatharra	MEEK	β	1-C	-26.614	118.536	yes	no
Mount Isa	QIS	β	1-C	-20.558	139.605	yes	no
Narrogin	NWAO	β	3-C	-32.927	117.233	yes	yes
Roma	RMQ	β	1-C	-26.489	148.755	yes	no
Toolangi	TOO	β	3-C	-37.571	145.491	yes	no
Warburtan	WARB	β	3-C	-26.184	126.643	yes	no
Young	YOU	β	1-C	-34.278	148.382	yes	no
Austria							
Molln	MOA	β	3-C	47.850	14.266	no	no
Bolivia							
La Paz	LPAZ	α	3-C	-16.288	-68.131	yes	yes
Botswana							
Lobatse	LBTB	α	3-C	-25.015	25.597	no	yes, as auxiliary
Brazil							
Brasilia	BDFB	α	3-C	-15.642	-48.015	yes	yes
Pitinga	PTGA	β	3-C	-3.060	-60.000	yes	yes
Rio Grande do Norte	RGNB	β	3-C	-6.910	-36.950	no	yes
Bulgaria							
Vitosha	VTS	β	3-C	42.618	23.238	no	no
Canada							
Lac du Bonnet	ULM	α	3-C	50.250	-95.875	yes	yes
Mould Bay	MBC	α	3-C	76.242	-119.360	yes	yes, as auxiliary
Schefferville	SCH	α	3-C	54.817	-66.783	yes	yes
Waterton Lakes	WALA	α	3-C	49.059	-113.912	yes	no

Station Name (in alphabetical order)	Code	Type	Station Type	Latitude	Longitude	Data used by IDC by 24 May 1996	In envisaged IMS network
Whitehorse	WHY	α	3-C	60.660	-134.881	yes	no
Yellowknife	YKA	α	array	62.493	-114.605	yes	yes
Bella Bella	BBB	β	3-C	52.185	-128.113	yes	yes
Caledonia Mtn.	LMN	β	3-C	45.852	-64.806	yes	no
Dawson City	DAWY	β	3-C	64.066	-139.391	yes	no
Dease Lake	DLBC	β	3-C	58.417	-130.060	yes	yes
Deer Lake	DRLN	β	3-C	49.256	-57.504	yes	no
Edmonton	EDM	β	3-C	53.222	-113.350	yes	no
Eldee	EEO	β	1-C	46.641	-79.073	yes	no
Fort Churchill	FCC	β	3-C	58.761	-94.087	yes	no
Glen Almond	GAC	β	3-C	45.703	-75.478	yes	no
Inuvik	INK	β	3-C	68.307	-133.520	yes	yes
Iqaluit	FRB	β	3-C	63.747	-68.547	yes	yes
La Malbaie	LMQ	β	3-C	47.548	-70.327	yes	no
Pac. Geoscience	PGC	β	3-C	48.650	-123.451	yes	no
Pemberton	PMB	β	3-C	50.520	-123.073	yes	no
Penticton	PNT	β	3-C	49.317	-119.617	yes	no
Resolute Bay	RES	β	3-C	74.687	-94.900	yes	no
Sadowa	SADO	β	3-C	44.769	-79.142	yes	yes
Thunder Bay	TBO	β	1-C	48.647	-89.408	yes	no
Central African Republic							
Bangui	BGCA	α	3-C	5.176	18.424	yes	yes
Chile							
Rapa Nui	RPN	β	3-C	-27.160	-109.430	yes	yes
China, Peoples Republic of							
Beijing	BJT	α	3-C	40.018	116.168	yes	yes, as auxiliary
Hailar	HIA	α	3-C	49.267	119.742	yes	yes
Lanzhou	LZH	α	3-C	36.087	103.844	no	yes
Colombia							
El Rosal	ROSC	α	3-C	4.860	-74.330	no	yes
Cook Islands							
Rarotonga	RAR	β	3-C	-21.213	-159.773	yes	yes
Costa Rica							
Las Juntas de Abangares	JTS	β	3-C	10.290	-84.950	yes	yes
Czech Republic							
Vranov	VRAC	β	3-C	49.311	16.596	yes	yes
Denmark							
Søndre Strømfjord	SFJ	β	3-C	67.050	-50.300	no	yes
Egypt							
LUXESS	LXAR	α	array	26.000	33.00 0	no	yes
Ethiopia							
Addis Ababa	AAE	β	3-C	9.029	38.766	yes	yes

Station Name (in alphabetical order)	Code	Type	Station Type	Latitude	Longitude	Data used by IDC by 24 May 1996	In envisaged IMS network
Fiji							
Monasavu	MSVF	β	3-C	-17.750	178.050	no	yes
Finland							
FINESS	FINES	α	array	61.444	26.077	yes	yes
Kangasniemi	KAF	β	3-C	62.113	26.306	yes	no
Ylistaro	VAF	β	3-C	63.042	22.672	yes	no
France							
Lormes	LOR	α	3-C	47.268	3.859	yes	no
Germany							
GERESS	GERES	α	array	48.845	13.702	yes	yes
Berggiesshübel	BRG	β	3-C	50.875	13.947	yes	no
Black Forest	BFO	β	3-C	48.331	8.330	yes	no
Bochum	BUG	β	3-C	51.446	7.264	yes	no
Clausthal-Zellerfeld	CLZ	β	3-C	51.843	10.374	yes	no
Collm	CLL	β	3-C	51.310	13.000	yes	no
Fürstenfeldbruck	FUR	β	3-C	48.164	11.277	yes	no
Gräfenberg	GRFO	β	3-C	49.692	11.205	yes	no
Moxa	MOX	β	3-C	50.646	11.616	yes	no
Taunus	TNS	β	3-C	50.224	8.449	yes	no
Hungary							
Piszkes	PSZ	β	3-C	47.918	19.895	yes	no
Iceland							
Borgarnes	BORG	β	3-C	64.750	-21.330	yes	yes
India							
Gauribidanur	GBA	α	array	13.604	77.436	no	yes
Indonesia							
Jakarta	PACI	α	3-C	-6.593	106.910	no	yes, as auxiliary
Iran, Islamic Republic of							
Tehran	THR	α	3-C	35.818	51.393	no	yes
Kerman	KRM	β	3-C	30.280	57.070	no	yes
Masjed-e-Solayman	MSN	β	3-C	31.930	49.300	no	yes
Israel							
Bar Giyora	BGIO	β	3-C	31.722	35.092	yes	no
Parod	PARD	β	array	32.550	35.260	no	yes
Atar Shivta	ATR	β	3-C	30.970	34.630	no	no
Eilath	MBH	β	3-C	29.790	34.910	no	yes
Italy							
L'Aquila	AQU	β	3-C	42.354	13.405	yes	no
Villasalto	VSL	β	3-C	39.496	9.378	yes	no
Ivory Coast							
Dimbroko	DBIC	α	3-C	6.670	-4.856	yes	yes
Japan							
Matsushiro	MJAR	α	array	36.543	138.207	yes	yes

Station Name (in alphabetical order)	Code	Type	Station Type	Latitude	Longitude	Data used by IDC by 24 May 1996	In envisaged IMS network
Aobayama	AOB	β	3-C	38.250	140.850	no	no
Chichijima	OGS	β	3-C	27.060	142.200	yes	yes
Hachijojima	HCH	β	3-C	33.120	139.800	no	yes
Ishigakijima	ISG	β	3-C	24.380	124.230	yes	no
Kaminokuni	KKJ	β	3-C	41.780	140.180	yes	no
Shiraki	SHK	β	3-C	34.530	132.680	yes	no
Tsukuba	TSK	β	3-C	36.210	140.101	yes	no
Kazakhstan							
Aktubinsk	AKT0	α	3-C	50.434	58.018	no	yes
Borovoye	BRVK	β	array	53.058	70.283	no	yes
Kurchatov	KURK	β	array	50.715	78.621	no	yes
Makanchi	MAK	β	3-C	46.808	81.977	no	yes
Kenya							
Kilima Mbogo	KMBO	α	3-C	-1.127	37.252	no	yes
Korea, Republic of							
Wonju	KSRS	α	array	37.450	127.920	no [1]	yes
Mexico							
To be defined	XMEX	α	3-C	18.000	-96.000	no	no
Chilapa	CHAM	β	3-C	17.000	-99.000	no	no
Iguala	IGUM	β	3-C	19.000	-100.000	no	no
Mongolia							
Javkhlant	ALFM	α	3-C	47.991	106.766	no	yes
Ulaan-Baatar	ULN	β	3-C	47.520	107.030	yes	no
Namibia							
Tsumeb	TSUM	β	3-C	-19.202	17.584	yes	yes
Netherlands							
Heimansgroeve	HGN	β	3-C	50.764	5.932	yes	no
New Zealand							
South Karori	SNZO	β	3-C	-41.310	174.705	yes	no
Norway							
ARCESS	ARCES	α	array	69.535	25.506	yes	yes
NORSAR	NAO	α	array	60.824	10.832	no	yes
Spitsbergen	SPITS	α	array	78.178	16.370	yes	yes, as auxiliary
NORESS	NORES		array	60.735	11.541	yes, as a substitute for NAO	no
Jan Mayen Island	JMI	β	3-C	70.920	-8.720	no	yes
Pakistan							
Pari	PKAR	α	array	33.050	73.252	no	yes
Nilore	NIL	β	3-C	33.650	73.250	yes	no
Papua New Guinea							
Port Moresby	PMG	α	3-C	-9.409	147.154	yes, as β station	yes, as auxiliary

1. Data currently received at the IDC, but not yet used in processing.

Station Name (in alphabetical order)	Code	Type	Station Type	Latitude	Longitude	Data used by IDC by 24 May 1996	In envisaged IMS network
Paraguay							
Villa Florida	CPUP	α	3-C	-26.331	-57.329	yes	yes
Peru							
Nana	NNA	β	3-C	-11.990	-76.840	no	yes
Philippines							
Davao	DAV	β	3-C	7.090	125.570	yes	yes
Poland							
Suwalki	SUW	β	3-C	54.001	23.182	no	no
Portugal							
To be defined		β	3-C			no	no
Romania							
Muntele Rosu	MLR	β	3-C	45.492	25.944	no	yes
Russian Federation							
Khabaz	KBZ	α	3-C	43.729	42.898	yes	yes
Norilsk	NRI	α	3-C	69.400	88.100	yes	yes
Peleduy	PDY	α	3-C	59.633	112.700	yes	yes
Ussuriisk	USK	α	3-C	44.283	132.083	no	yes
Zalesovo	ZAL	α	3-C	53.940	84.805	yes	yes
Arti	ARU	β	3-C	56.430	58.563	yes	yes
Kislovodsk	KIV0	β	array	43.956	42.695	yes	yes
Obninsk	OBN	β	3-C	55.117	36.600	yes	yes
Urgal	URG	β	3-C	51.099	132.364	no	yes
Zilim	UFA	β	3-C	53.850	57.050	no	yes
Seychelles							
Mahe	MSEY	β	3-C	-4.61	55.49	yes	no
Solomon Islands							
Honiara	HNR	β	3-C	-9.432	159.47	yes	yes
South Africa							
Boshof	BOSA	α	3-C	-28.614	25.556	yes	yes
Silverton	SLR	β	3-C	-25.740	28.280	no	no
Sutherland	SUR	β	3-C	-32.380	20.810	yes	yes
Spain							
Sonseca	ESDC	α	array	39.677	-3.962	yes	yes
San Pablo de los Montes	PAB	β	3-C	39.546	-4.348	yes	no
Taburiente	TBT	β	3-C	28.679	-17.913	yes	no
Sweden							
Hagfors	HFS	α	array	60.134	13.697	yes	yes, as auxiliary
Switzerland							
Alpnach	APL	β	3-C	46.950	8.243	yes	no
Davos	DAVOS	β	3-C	46.840	9.790	yes	yes
Thailand							
Chiang Mai	CMAR	α	array	18.458	98.943	yes	yes

Station Name (in alphabetical order)	Code	Type	Station Type	Latitude	Longitude	Data used by IDC by 24 May 1996	In envisaged IMS network
Tunisia							
Thala	THA	α	3-C	35.560	8.700	no	yes
Turkey							
Belbashi	BRTR	α	array	39.870	32.790	no	yes
Turkmenistan							
Alibek	ABKT	α	array	37.930	58.199	yes	yes
Ukraine							
Malin	AKASG	α	array	50.600	29.400	no	yes
Kiev	KIEV	β	3-C	50.694	29.208	yes	no
United Kingdom							
Eskdalemuir	EKA	β	array	55.333	-3.159	yes	yes, as auxiliary
Wolverton	WOL	β	3-C	51.313	-1.223	yes	no
Ascension Island	ASCN	β	3-C	-7.950	-14.380	yes	no
United States							
Lajitas	TXAR	α	array	29.334	-103.667	yes	yes
Lisbon	LBNH	α	3-C	44.240	-71.926	yes	no
Mount Ida	MIAR	α	3-C	34.546	-93.573	yes	no
North Pole	NPO	α	3-C	64.771	-146.887	yes	Nearby station ELAK in IMS
Pinedale	PDAR	α	array	42.767	-109.558	yes	yes
Pinon Flats	PFO	α	3-C	33.609	-116.455	yes	yes
Vanda, Antarctica	VNDA	α	3-C	-77.514	161.846	yes	yes
Albuquerque	ALQ	β	3-C	34.946	-106.457	yes	yes
Black Hills	RSSD	β	3-C	44.120	-104.036	yes	no
Blacksburg	BLA	β	3-C	37.211	-80.421	yes	no
Dugway	DUG	β	3-C	40.195	-112.816	yes	no
Elko	ELK	β	3-C	40.745	-115.239	yes	yes
Ely	EYMN	β	3-C	47.947	-91.508	yes	no
Mina	MNV	β	3-C	38.433	-118.153	yes	no
Newport	NEW	β	3-C	48.263	-117.120	yes	yes
Tucson	TUC	β	3-C	32.310	-110.785	yes	no
Tuckaleechee Caverns	TKL	β	3-C	35.658	-83.774	yes	yes
Tulsa	TUL	β	3-C	35.911	-95.793	yes	no
Venezuela							
Santo Domingo	SDV	β	3-C	8.879	-70.633	yes	yes
Western Samoa							
Afiamalu	AFI	β	3-C	-13.909	-171.779	yes	yes
Zambia							
Lusaka	LSZ	β	3-C	-15.277	28.188	yes	yes

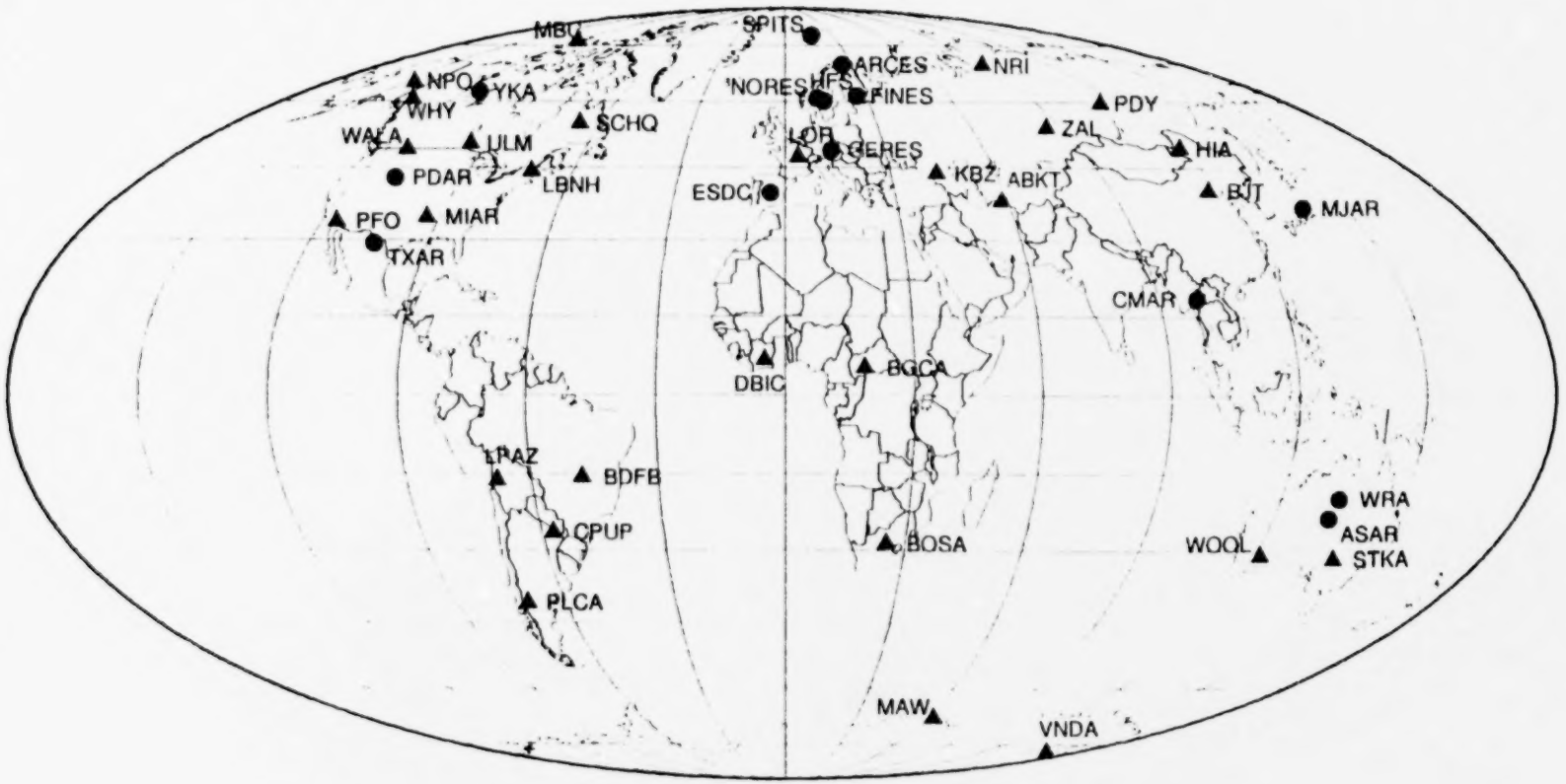

Fig. 1. GSETT-3 primary (Alpha) stations used by the IDC as of 24 May 1996. Arrays are shown as filled circles and three-component stations as filled triangles.

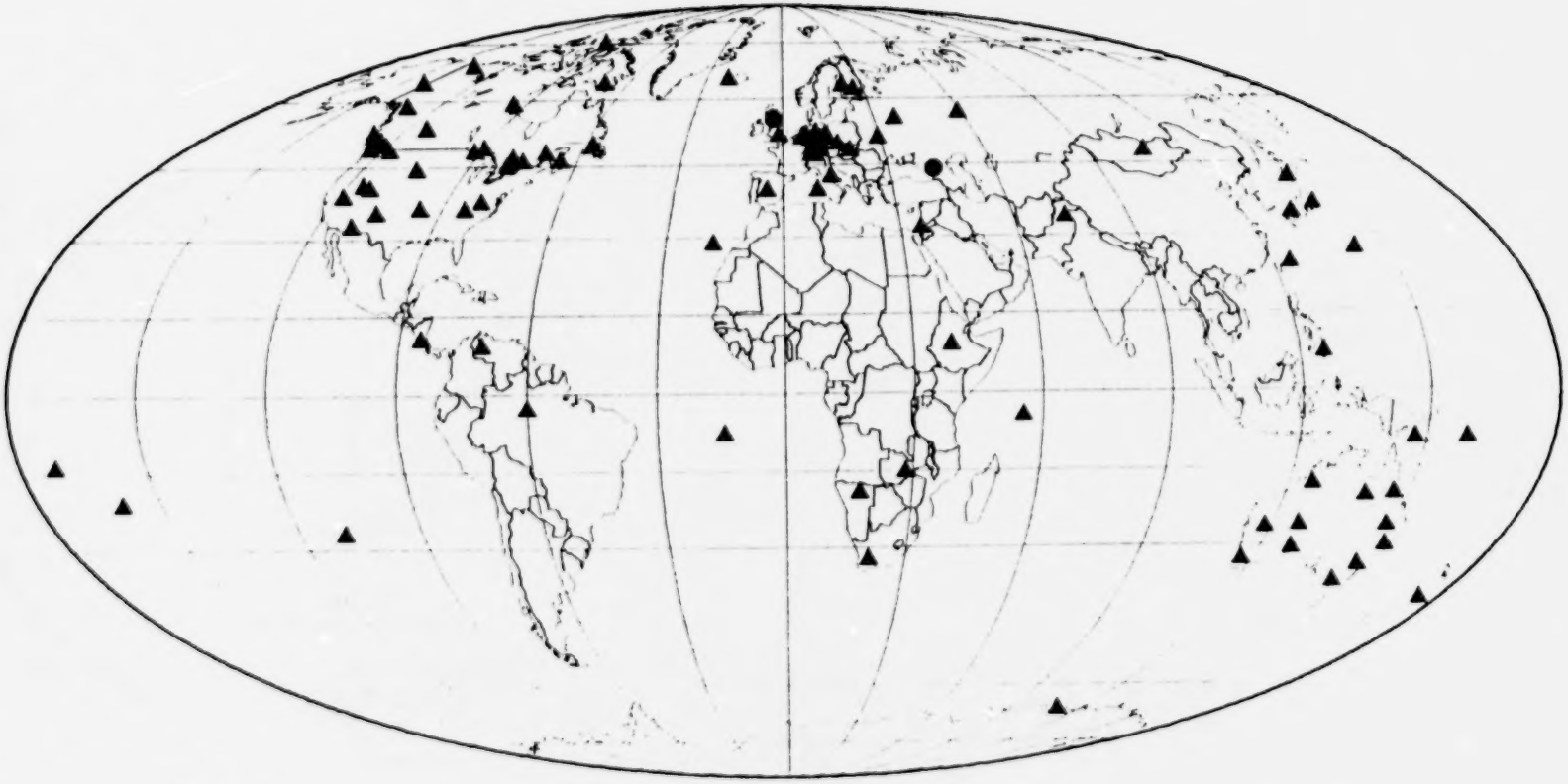

Fig. 2. GSETT-3 auxiliary (Beta) stations that have been used by the IDC by 24 May 1996. Arrays are shown as filled circles and three- and one-component stations as filled triangles.

ANNEX 2

INITIAL PLAN FOR IMPROVING EVENT LOCATION THROUGH CALIBRATION

As GSETT-3 has progressed, comparisons by National Data Centres and by the Working Group on Evaluation (WGE) have noted significant differences between locations reported in the Reviewed Event Bulletins (REBs) and those independently determined by other agencies and by networks which are much denser than those used in producing the REBs. The GSE has noted a need for calibration of travel-time information in order to improve REB locations. At the International Data Center (IDC), some development has been carried out towards implementing such calibration. This development has involved not only the regular staff of the IDC, but also visiting international staff and academic and governmental research institutions in a number of countries.

Based on discussions during its 44th session, the GSE came up with a plan for short term (next 3 months) and long-term developments that would further the improvement of event location through calibration. This effort would focus upon the larger (Mb 3.5 and greater) events, recorded to teleseismic distances, that make up the bulk of the REB. The goal is to achieve a location accuracy of 1000 sq. km or better (less than 17 km difference between "ground truth" and IDC locations) for events of magnitude 4 and greater, although it is noted that this may not be possible in some parts of the world, notably in some oceanic areas with poor station coverage.

Empirical and model corrections to be applied in the location process will be evaluated using a standard procedure which involves comparisons with ground truth locations, and locations of other well-recorded and well-located events. Adoption of new empirical or model based corrections in an operational mode will be based on the results of this evaluation.

SHORT TERM: Generate, test and apply teleseismic station corrections; collect ground truth data: propose and test global regionalization of travel-time curves; experiment with interpolation methods for path corrections and establish scale length of path-dependent corrections.

A. Station Corrections

- Select a set of past larger (m4-5) well-recorded (e.g. Nsta > 30, < 90) events and, using teleseismic data only, iteratively establish station corrections.

- To establish stability of the method, repeat the above with an independent set of events and confirm that the same corrections are obtained.

- Apply these corrections and, for those events with ground truth (see below), verify that the revised locations are an improvement.

- Implement resulting corrections to produce a parallel bulletin for a test period.

- Submit a proposal for the implementation of station corrections to the Configuration Control Board.

B. Calibration Events

- Select one "calibration" event each day, on average, with the aim being to produce a global distribution of such events. Such events are to be of mb 4.0 - 5.5. The selection of such events is to start on June 1, 1996.

- Request all auxiliary (beta) data from stations in the future IMS for such events, and apply special care in the waveform analysis of such events.

- Supplement these events with ones from the earlier part of GSETT-3 which, by virtue of their unique location or quality of available ground truth information, are of special use. NDCs are encouraged to propose such events.

- Publish (Web page and with GSETT-3 Updates) a list of these events, requesting additional data from NDCs within whose network coverage region they lie, or for which such data are available from other techniques. This additional data provided by NDCs should include local phase readings so that location quality, especially depth, can be assessed, and digital waveform data would also be helpful.

- Establish quality assurance procedures to ensure that only events with the best possible locations are included in the list of calibration events.

- NDCs should also provide information on large explosions with known origins (real ground truth data).

- Encourage conduct of specific chemical calibration explosions in various regions.

- Make waveform data for all these types of calibration events readily available on-line at the IDC for both internal and external use. Such data would include hydroacoustic and infrasonic data, in addition to seismic data.

- Contemplate using data from existing stations in aseismic areas for events located close to IMS stations, thereby obtaining otherwise unavailable calibration information through reciprocity considerations.

C. Regionalization

An effort separate from those of items A and B above is the development of regionalized travel time-models:

- A proposed regionalization and corresponding travel-time curves were presented to the GSE in GSE/WGP/12 for comment and revision as necessary.

- Verify these proposed regional travel-time curves using ground truth events where available, and well-determined teleseismic (only) locations elsewhere.

D. Interpolation and Scale Length of Corrections

- In selected source regions for which ground truth solutions are available, determine path (station-source) corrections and experiment to establish scale length over which corrections apply. Test different interpolation techniques.

E. Updating Corrections

- Define and apply methods for periodically updating travel time corrections as new stations are added and useful events occur in previously uncovered regions of the world.

LONGER TERM: Acquire a better statistical understanding of the IDC location processing; review event definition criteria; complete development, specification and evaluation of 1-D models; complete development and evaluation of 3-D modelling approach.

F. Statistics

- Re-assess a priori standard deviations used in IDC processing, particularly for regional phases, to include systematic biases.

- Establish statistical framework for applying datum dependent variances to reduce station, signal-to-noise, and distance dependent biases.

- Implement datum dependent variances and validate against reference events, particularly for combining teleseismic and regional observations.

- Re-evaluate confidence ellipse assumptions in the light of NDC reports that 90% coverage ellipses contain barely more than half of all NDC locations.

G. Event Definition Criteria

- Experiment with different event definition criteria and propose changes as appropriate.

- Investigate possible use of hydroacoustic data in combination with seismic data for event definition.

H. 1-D and 3-D Modelling

- Once the regionalization (see C above) and corresponding travel time curves have been approved and validated, apply 1-D (station/phase dependent) travel time curves.

- Develop, test and verify a 3-D modelling approach to derive baseline smoothed travel times at all distance for all phases and depths.

Annex 3

GSE WORKSHOPS IN SOUTH AMERICA AND AFRICA

The GSE held regional Workshops in San Juan, Argentina for the Central and South American region from 20 to 22 November 1995, and in Pretoria, South Africa for the African region from 22 to 24 April 1996. The purpose of these Workshops was to increase awareness of the GSETT-3 experiment and the future International Monitoring System of the CTBT, and to encourage the participation of countries in these regions of the southern hemisphere. The Workshops were well attended by seismologists and government representatives from many countries in the regions of Central and South America and Africa. A third Workshop is being planned for the Southeast Asian region in September 1996.

The Workshops were opened by officials of the respective Ministry of Foreign Affairs, followed by a presentation by the CD Secretariat on the CTBT negotiations in the Conference on Disarmament. Members of GSE made presentations on the role and need for technical expertise in the negotiations, technologies for CTBT verification, GSE and the GSETT-3, aspects of planning and documentation of GSETT-3, the role and functions of the National Data Centres and the International Data Centre, evaluation of GSETT-3 and the need for incorporating region-specific knowledge, and what GSETT-3 participation implies. In addition, representatives of various countries spoke about their bilateral co-operative efforts to assist other countries in participating in GSETT-3.

Following these presentations, a diplomat and/or seismologist from each participating country spoke about their country's interest in disarmament and the CTBT, the seismicity of their region or territory, the number and type of seismic stations in their country, the personnel operating them, the type of communications facilities they possessed for transmitting the data, including whether or not they had access to Internet, co-operative agreements with other countries or organizations, and their plans for participating in GSETT-3 and the future IMS, including potential problems envisaged therewith.

The last day was devoted to an exchange between GSE members and participants from countries of the respective region. Specific topics covered included: formal aspects of participation in GSE and GSETT-3; how to have more countries from the region actively involved in the work of the GSE and in the efforts towards establishing the treaty monitoring system,

including participation with seismic stations in GSETT-3; provision of local bulletins and reference data, and access to the IDC bulletins and reference data; evaluation of the system; training of seismic analysts at the International Data Centre; the contribution to be made by GSETT-3 and the countries of each region in providing region-specific knowledge which is essential for the calibration of the network; non-seismic technologies (a number of the participating countries are also on the lists in the rolling text of the CTBT for radionuclide, infrasound, and hydroacoustic monitoring technologies); and funding, as many of these countries need financial assistance in this endeavour.

There was a mutually beneficial exchange of information and ideas among Workshop participants, who seemed anxious to find ways to participate in the system. They recognized that it will be essential for the monitoring of a CTBT as well as extremely beneficial in terms of the scientific exchange of information regarding e.g. earthquake hazards. The widespread willingness to participate in GSETT-3 was encouraging and the provision of additional gamma data and region-specific information will enable improvement of the performance, through calibration, of the GSETT-3 network in the regions of Central and South America and Africa. Participants agreed to establish a dialogue on the above-mentioned items. GSE is sending sample GSETT-3 bulletins, Progress Reports of the GSE, and evaluation data to participants, will assist them in establishing regional bulletins, and will solicit data and information from these countries.

The Workshops in South America and Africa have been extremely valuable for participation not only in the GSETT-3, but in the future IMS as well. A direct exchange in the respective regions among GSE members, scientists and representatives of Governments which will be responsible for the stations monitoring the future treaty has proven mutually beneficial in this regard. The GSE would like to express its appreciation to the Governments of Argentina and South Africa for hosting these Workshops and to the other countries which contributed financially to making them possible.

CONFERENCE ON DISARMAMENT

CD/1399
28 May 1996

Original: ENGLISH

LETTER DATED 28 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "CONSTRAINING CONVENTIONAL PROLIFERATION: A ROLE FOR CANADA" 1/

You will find enclosed copies of a new Canadian publication, entitled "Constraining Conventional Proliferation: A Role for Canada".

This important new report examines the issue of conventional arms proliferation from a Canadian point of view. The study was undertaken to support bilateral and multilateral efforts by Canada to address aspects of the conventional arms issue as identified by the Minister of Foreign Affairs and as outlined in the Government's foreign policy statement of January 1995 "Canada in the World". It was prepared by a study team assembled through York University's Centre for International and Strategic Studies and under the skilful direction of Dr. Keith Krause. The study team completed its work in late 1996.

The report places particular emphasis on identifying pragmatic options for action, based on Canadian national interests, that could contribute to international efforts to constrain conventional arms proliferation. It also addresses the strengths and limitations of Canada's ability to contribute to such international efforts. Among the issues discussed in the report are:

- the global conventional arms trade,

- Canada's defence production and exports,

- export controls,

- transparency measures such as the United Nations Register of Conventional Arms,

- the relationship of arms spending to human rights as well as social and economic development, and

- post-conflict conventional weapons disarmament measures.

While primarily directed at exploring a possible role for Canada in constraining conventional weapons proliferation, the report's findings have wider relevance to international discussions on this issue.

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member state delegations, under cover of a CD number.

(Signed): Mark J. Moher
Ambassador
Permanent Representative

1/ A limited distribution of this publication in English only has been made available to the members and non-members invited to participate in the work of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada.

CONFERENCE ON DISARMAMENT

CD/1400
31 May 1996

Original: ENGLISH

LETTER DATED 23 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "THE UNITED NATIONS CONVENTIONAL ARMS REGISTER: CANADIAN PRACTICE IN PREPARING ITS ANNUAL DATA SUBMISSION, NOVEMBER 1995"

I have the honour to transmit to you a new Canadian publication, entitled "The United Nations Conventional Arms Register: Canadian practice in preparing its annual data submission, November 1995".

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member state delegations, under cover of a CD number.

(Signed): Mark J. Moher
Ambassador
Permanent Representative

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CONFERENCE ON DISARMAMENT

CD/1401
31 May 1996

Original: ENGLISH

LETTER DATED 23 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "THE UNITED NATIONS CONVENTIONAL ARMS REGISTER: AN ANNOTATED BIBLIOGRAPHY, OCTOBER 1995"

I have the honour to transmit to you a new Canadian publication, entitled "The United Nations Conventional Arms Register: An Annotated Bibliography, October 1995".

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member state delegations, under cover of a CD number.

(Signed): Mark J. Moher
Ambassador
Permanent Representative

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CONFERENCE ON DISARMAMENT

CD/1402
31 May 1996

Original: ENGLISH

LETTER DATED 23 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF CANADA ADDRESSED TO THE DEPUTY SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A PUBLICATION ENTITLED "BIBLIOGRAPHY ON ARMS CONTROL VERIFICATION: FOURTH UPDATE, OCTOBER 1995"

You will find enclosed copies of a new Canadian Arms Control and Disarmament publication, entitled "Bibliography on Arms Control Verification: Fourth Update, October 1995".

I would be grateful if the necessary arrangements could be made for its distribution to all member and participating non-member state delegations, under cover of a CD number.

(Signed): Mark J. Moher
Ambassador
Permanent Representative

1/ A limited distribution of this publication in English only has been made available to the members and non-members invited to participate in the work of the Conference on Disarmament. Additional copies are available from the Permanent Mission of Canada.

CONFERENCE ON DISARMAMENT

CD/1403
4 June 1996

Original: ENGLISH

ARGENTINA

Draft Decision on Expansion of Membership of the Conference

The Conference on Disarmament decides, in implementation of its decision CD/1356 of 21 September 1995, to admit Austria, Bangladesh, Belarus, Cameroon, Chile, Colombia, Democratic People's Republic of Korea, Finland, Iraq, Israel, New Zealand, Norway, Republic of Korea, Senegal, Slovakia, South Africa, Spain, Switzerland, Syrian Arab Republic, Turkey, Ukraine, Viet Nam and Zimbabwe as members of the Conference on Disarmament on .....

GE.96-61995

CONFERENCE ON DISARMAMENT

CD/1404
11 June 1996

Original: ARABIC, CHINESE, ENGLISH, FRENCH, RUSSIAN AND SPANISH

LETTER DATED 10 JUNE 1996 FROM THE HEAD OF THE DELEGATION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A STATEMENT ISSUED ON 8 JUNE 1996 BY THE MINISTRY OF FOREIGN AFFAIRS CONCERNING NUCLEAR TESTING

I have the honour to transmit to you a statement issued on 8 June 1996 by the Ministry of Foreign Affairs of the People's Republic of China concerning nuclear testing.

I would be grateful if the text of this statement could be circulated as an official document of the Conference on Disarmament. Attached please find the Chinese text and the official translations in English, French, Spanish, Russian and Arabic.

(Signed): Sha Zukang
Ambassador
Head of the Delegation of
the People's Republic of China
to the Conference on
Disarmament

Statement of the Ministry of Foreign Affairs of the People's Republic of China

China conducted a nuclear test on 8 June 1996.

China stands for the complete prohibition and thorough destruction of nuclear weapons, and is in favour of reaching a comprehensive nuclear test ban in the process towards this objective. As early as in October 1993, the Chinese Government publicly announced that China stands for the conclusion of the Comprehensive Test-Ban Treaty no later than 1996. Since then, the Chinese delegation has taken an active part in the CTBT negations in Geneva. China will continue to work with other countries for the conclusion, within this year, of a fair, reasonable and verifiable treaty with universal adherence and unlimited duration.

The limited amount of nuclear weapons China possesses is solely for the purpose of self-defense and does not constitute a threat to any country. China has unilaterally and solemnly undertaken not to be the first to use nuclear weapons at any time and under any circumstances. It has also committed itself not to use or threaten to use nuclear weapons against non-nuclear weapon States or nuclear weapon-free zones. At the same time, China strongly calls on other nuclear-weapon States for a positive response to China's initiative by immediately concluding, through negotiations, a treaty on mutual non-first use of nuclear weapons, and reaching an agreement on the unconditional non-use or non-threat of use of nuclear weapons against non-nuclear weapon States or nuclear weapon-free zones.

In the world today, there still exist huge nuclear arsenals and the threat of a nuclear war caused by the first use of nuclear weapons. Against such a background, for the purpose of safeguarding the supreme interests of the State and the nation, China cannot but conduct the necessary and the minimum number of nuclear tests. We have all along exercised utmost restraint in conducting nuclear tests, and the number of tests we have conducted is extremely limited.

Together with the Governments and peoples of other countries in the world, the Chinese Government and people will work unremittingly and do their utmost for the realization of the lofty goal of a nuclear weapon-free world at an early date and for the maintenance of lasting peace and universal security.

Based on the afore-mentioned position, the Chinese Government hereby announces that before September this year, China will conduct another nuclear test to ensure the safety of its nuclear weapons. After that, China will exercise a moratorium on nuclear testing.